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Filing date: **09/14/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|--|
| Proceeding | 91223134 |
| Party | Defendant Urban Armor Gear, LLC |
| Correspondence Address | Susan Stabe Troutman Sanders LLP BANK OF AMERICA PLAZA 600 PEACHTREE ST, NE, STE 5200 ATLANTA, GA 30308-2216 trademarks@troutmansanders.com;susan.st |
| Submission | Answer |
| Filer's Name | John M. Bowler |
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| Signature | /John M. Bowler/ |
| Date | 09/14/2015 |
| Attachments | UAG Answer to Opposition.pdf(17234 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

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|-------------------------------|---|--|
| UNDER ARMOUR, INC., |) | |
| |) | |
| Opposer, |) | Opposition No. 91223134 |
| |) | |
| v. |) | App. No.: 86344909 |
| |) | |
| URBAN ARMOR GEAR, LLC, |) | Mark: UAG |
| |) | |
| Applicant. |) |  |

ANSWER TO NOTICE OF OPPOSITION

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Honorable Commissioner:

Urban Armor Gear, LLC (“Applicant”) hereby answers the Notice of Opposition filed in the above-styled opposition action by Under Armour, Inc. (“Opposer”).

Responding to the unnumbered introductory paragraph, Applicant denies that Opposer will be damaged by the registration of Application Serial No. 86/344909 for the mark UAG (Stylized) (“Applicant’s Mark”). Applicant admits that it has filed Applicant’s Mark for “apparel, namely, t-shirts, hats” in Class 25. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in the unnumbered paragraph, which has the effect of a denial.

As to Under Armour, Its Products and Services, and Its Alleged Famous Trademarks

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 1, which has the effect of a denial.

2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2, which has the effect of a denial.

3. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3, which has the effect of a denial.

4. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4, which has the effect of a denial.

5. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 5, which has the effect of a denial.

6. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 6, which has the effect of a denial.

7. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 7, which has the effect of a denial.

8. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 8, which has the effect of a denial.

9. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9, which has the effect of a denial.

10. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10, which has the effect of a denial.

11. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 11, which has the effect of a denial.

12. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 12, which has the effect of a denial.

13. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 13, which has the effect of a denial.

14. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 14, which has the effect of a denial.

15. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 15, which has the effect of a denial.

16. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 16, which has the effect of a denial.

17. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 17, which has the effect of a denial.

18. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 18, which has the effect of a denial.

19. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 19, which has the effect of a denial.

As to Applicant and Its Mark

20. Applicant admits the allegations in paragraph 20.

21. Applicant admits the allegations in paragraph 21 except for the goods and services, which when filed were listed as “apparel” and today are identified as “apparel, namely, t-shirts, hats.”

As To Count One
Alleged Likelihood of Confusion, 15 U.S.C. § 1052(d)

22. In response to paragraph 22, Applicant incorporates paragraphs 1 through 21 of its Answer as if reproduced herein.

23. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 24, which has the effect of a denial.

24. Applicant denies the allegations in paragraph 24.

General Denial

Applicant denies each and every paragraph, heading, and allegation contained in the Notice of Opposition that was not specifically admitted above.

As To Opposer's Prayer for Relief

The "wherefore" clause in the Notice of Opposition contains a prayer for relief to which no response is required. To the extent the statements of that clause may be deemed to allege any factual or legal entitlement to the relief requested, Applicant denies each and every such allegation, and specifically denies that Opposer is entitled to any relief whatsoever, including, but not limited to, the relief requested.

AFFIRMATIVE DEFENSES

Applicant asserts the following separate defenses without assuming the burden of proof that otherwise would rest with Opposer.

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Opposer's claims are barred singularly and collectively, in whole or in part, by waiver or estoppel.
3. The word "Armour" is not an original phrase in the marketplace to which the consumer can be confused. The marketplace is crowded with other persons and entities and goods and services using the word "Armor" or "Armour," that there can be no dilution. Examples of dozens of other "Armor" or "Armour" based marks, include, but are not limited to,

“Armour” for food; “Tommy Armour” for golf equipment and clothing; “Golden Armor” for apparel; “Woody Armor” for footwear; “Optical Armor” for clothing; “Air Armor” for vitamin supplements; “Weather Armor” for footwear; “Armourshield” for clothing; “Body Armour” for clothing; “Liquid Armour” for beverages (of which based on information and belief Opposer entered into a co-existence agreement); “Salon Armor” for waistbands; “Armor Shield” for footwear; “Martial Armor” for protective pads for contact sports; and “Over-Armor Spec-Ops Brand” and Design for clothing.

WHEREFORE, Applicant Urban Armour Gear, LLC respectfully prays that the Board:

1. Dismiss Opposer’s Notice of Opposition and that the USPTO register the Applicant’s Mark on the Principal Register of the United States Patent and Trademark Office for Application Serial No. 86/344909; and

2. Grant Applicant such other and further relief as the Board deems just and proper.

This 14th day of September, 2015.

Respectfully submitted,

TROUTMAN SANDERS LLP

/s/ John M. Bowler

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was sent by U.S. Mail to Attorneys for Opposer Under Armour, Inc. as follows:

Douglas A. Rettew
Danny M. Awdeh
Anna B. Naydonov
Finnegan, Henderson, Farabow,
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901 New York Avenue, N.W.
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This 14th day of September, 2015.

/s/ John M. Bowler

John M. Bowler